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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,204	12/22/2003	Craig N. Janssen	ACOU01-00003	6875

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EXAMINER	
NELSON, FREDA ANN	
ART UNIT	**PAPER NUMBER**
3628	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/743,204	JANSSEN, CRAIG N.	
	Examiner	Art Unit	
	Freda A. Nelson	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 December 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

The amendment received on December 14, 2006 is acknowledged and entered. Claim 32 has been added. Claims 1-32 are currently pending.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 14, 2006 has been entered.

Claim Objections

1. Claim 3 is objected to because of the following informalities:

   Claim 3 has been presented with an improper status identifier.

   Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-2, 5, 13-15, 20-22, 24, and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams et al. (Patent Number 6,154,730) in view of Hertzel-Szabadi (US PG Pub. 2003/0233267), still in further view of Christianitytoday.com.

As per claims 1, 13-15, 20-21, and 30-32, Adams et al. disclose a method, comprising:

identifying a plurality of facilities in a complex, each facility associated with a construction project (col. 1, lines 41-44; col. 3, lines 38-57); and

determining a potential revenue associated with at least one of the facilities; and determining a cost associated with at least one of the facilities (col. 1, lines 46-51). Adams et al. do not disclose generating a schedule of the construction projects using the identified potential revenue and the identified cost.

Hertzel-Szabadi discloses that the project structure with phases (work breakdown structure elements) and the necessary activities (tasks) have to be defined and costs and potential revenues have to be calculated, timelines to be scheduled and probably personnel and other resources soft-booked, in order to be able to do reasonable and reliable quotations that can be fulfilled in case they are accepted by the customer (paragraph [0003]); and that the planning of structures, costs, revenues, resources, timeliness etc. can and will normally be refined and detailed during the life cycle of the project 105 (paragraph [0028]).

Christianitytoday.com discloses a formula used to compute the size of a church complex; and spreading the calculations throughout the sanctuary, meeting rooms, nurseries, and educational space of your church complex (page 2); and form a committee to decide how much money can be raised for the building project (page 4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Adams et al. to include the feature of Hertzel-Szabadi and Christianitytoday.com in order to give reasonable and reliable quotations (see Hertzel-Szabadi paragraphs [0003],[0017],[0028]).

As per claim 2, Adams et al. disclose the method of claim 1, further comprising: predicting a number of people who will use at least one of the facilities (abstract; col. 51-56); and wherein determining the potential revenue associated with at least one of the facilities comprises determining the potential revenue associated with at least one of the facilities using the predicted number of people (abstract; col. 4, 51-56).

As per claim 5, Adams et al. disclose the method of claim 1, wherein identifying the plurality of facilities comprises receiving an identification the facilities from a user (abstract).

As per claim 22 and 24, Adams et al. disclose a system, comprising:

memory operable to store information identifying a plurality of facilities in a complex, each facility associated with a construction project (col. 1, lines 41-44; col. 3, lines 38-57); and an analysis module operable to:

determining a potential revenue associated with at least one of the facilities; determining a cost associated with at least one of the facilities (col. 3, lines 2-19).

Adams et al. is silent about a computer program embodied on a computer readable medium, however, this feature is deemed to be inherent in the Adams et al. invention in order to run the STAFI system.

Adams et al. do not further disclose generating a schedule of the construction projects using the identified potential revenue and the identified cost. Hertzel-Szabadi discloses that the project structure with phases (work breakdown structure elements) and the necessary activities (tasks) have to be defined and costs and potential revenues have to be calculated, timelines to be scheduled and probably personnel and other resources soft-booked, in order to be able to do reasonable and reliable quotations that can be fulfilled in case they are accepted by the customer (paragraph [0003]); and that the planning of structures, costs, revenues, resources, timeliness etc. can and will normally be refined and detailed during the life cycle of the project 105 (paragraph [0028]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Adams et al. to include the feature of Hertzel-Szabadi in order to give to be able to give reasonable and reliable quotations.

As per claims 3-4 and 26-27, Adams et al. do not disclose the method of claim 2, wherein determining the cost associated with at least one the facilities comprises:

identifying a size of at least one of the facilities based on the predicted number of people; determining the cost of at least one of the construction projects based on the identified size; and wherein identifying the size of the at least one facility comprises identifying a plurality of sizes for the at least one facility.

Christianitytoday.com discloses determining the cost associated with at least one the facilities comprises: identifying a size of at least one of the facilities based on the predicted number of people (page 2); determining the cost of at least one of the construction projects based on the identified size (page 5); and wherein identifying the size of the at least one facility comprises identifying a plurality of sizes for the at least one facility (page 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention to increase the user's options for funding construction.

As per claim 8, Adams et al. do not disclose the method of claim wherein 1, wherein determining the potential revenue associated with at least one of the facilities comprises identifying potential donations to be received during one or more fund-raising campaigns.

Christianitytoday.com discloses forming a committee to decide how much money can be raised for the building project.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Adam et al. to include the feature of Christianitytoday.com in order to increase the user's options for funding construction.

As per claim 9, Adams et al. disclose the method of claim 8, further comprising: identifying an amount borrowing needed pay for the construction projects (col. 2, lines 51-56); and identifying an amount of debt to be paid off each year (col. 3, lines 26-36).

As for claim 12, Adams et al. do not disclose the method of claim 1, wherein: the complex comprises a church; at least one of the facilities comprises an auditorium in the church; and determining the potential revenue comprises: estimating a number of people who will attend church services in the auditorium; and determining an amount of potential donations given to the church by the estimated number of people.

Christianitytoday.com discloses a formula used to compute the size of a church complex; and spreading the calculations throughout the sanctuary, meeting rooms, nurseries, and educational space of your church complex (page 2); and form a committee to decide how much money can be raised for the building project (page 4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Adams to include the feature of Christianitytoday.com in order to determine different options for funding construction project.

As per claims 16 and 25, Adams et al. disclose the system of claim 15, wherein: the one or more processors are further collectively operable to predict a number of people who may use at least one of the facilities (abstract; col. 51-56);

the one or more processors are further collectively operable to determine the potential revenue associated with at least one of the facilities using the predicted number of people (col. 1, lines 46-51).

Adams et al. do not disclose the one or more processors are further collectively operable to determine the cost associated with at least one of the facilities by: identifying a size of at least one of the facilities based on the predicted number of people; determining the cost of at least one of the construction projects based on the identified size; and wherein identifying the size of the at least one facility comprises identifying a plurality of sizes for the at least one facility.

Christianitytoday.com discloses determining the cost associated with at least one the facilities comprises: identifying a size of at least one of the facilities based on the predicted number of people (page 2); determining the cost of at least one of the construction projects based on the identified size (page 5); and wherein identifying the size of the at least one facility comprises identifying a plurality of sizes for the at least one facility (page 5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Adams et al. to include the feature of Christianitytoday.com in order to estimate to size of the facility needed to accommodate people.

As per claims 18 and 28, Adams et al. disclose identifying an amount borrowing needed pay for the construction projects (col. 2, lines 51-56); and

identifying an amount of debt to be paid off each year (col. 3, lines 26).

Adams et al. do not disclose the system of claim 15 wherein, the one ore more processors are collectively operable to determine the potential revenue associated with at least one of the facilities comprises identifying potential donations to be received during one or more fund-raising campaigns.

Christianitytoday.com discloses forming a committee to decide how much money can be raised for the building project. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Adam et al. to include the feature of Christianitytoday.com in order to increase the user's options for funding construction.

3. Claims 6-7, 10, 17 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams et al. (Patent Number 6,154,730) in view of Hertzel-Szabadi (US PG Pub. 2003/0233267), in further view of Christianitytoday.com, still in further view of Elliot (Patent Number 6,446,053). Christianitytoday.com

As per claims 6-7 and 17, Adams et al. do not disclose the method of claim 1, wherein generating the schedule comprises, for each construction project, receiving from a user an identification of one of a plurality of phases during which the construction project would occur.

Elliot discloses that the user computer organizes these time estimates according to the proper order in a construction project, for example, framing (Phase 5) must be completed before other phases can commence, however, some of the following phases can commence simultaneously, such as plumbing and framing (col. 10, lines 34-39; TABLE 1); and after Phase 1 is complete, the application guides the user through the next phase, Phase 2: Begin Site Work in 120 and 122 and in Step 1: Excavation, the application retrieves the square footage of the lot from memory, accesses the regional database, determines average labor rate for excavation subcontractors in that region, determines equipment costs for excavation in that region, and then calculates an estimate for the excavation step, wherein the equipment costs may include rental, fuel, and insurance costs (col. 8, lines 32-44).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Adams et al. to include the feature of Elliot in order to provide the user with a cost associated with a phase of the construction.

As per claims 10 and 23, Adams et al. do not disclose allowing a user to alter data used to generate the schedule; and showing the user real time how the changes in

the altered data affect the schedule. Elliot discloses that if the user is not satisfied with the cost of the installation, the user can undo the operation and simulate another installation; and if the user is satisfied with the installation, the user computer moves on to the next step, updating and storing the revised graphical model and cost estimate model (col. 6, lines 38-48); and if any feature of the proposal is unsatisfactory, the user can revise the proposal at 126, wherein the user selects the phases and steps he wishes to edit at 128 and edits the proposal at those points (col. 10, lines 40-46). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Adams et al. to include the feature of Elliot in order to provide the user with the ability to make changes to the construction plans.

4. Claims 11, 19 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams et al. (Patent Number 6,154,730) in view of Hertzel-Szabadi (US PG Pub. 2003/0233267), in further view of Christianitytoday.com, still in further view of Elliot (Patent Number 6,446,053), still in further view of Wakelam (Patent Number 6,859,768).

As per claims 11, 19, and 29, Adams et al. do not disclose allowing a user to place a constraint on data used to generate the schedule; and showing the user in real time how at least one change in the altered data and constraint affects the schedule.

Wakelam et al. disclose that the Interview massing element 201 gathers some basic information regarding the project and allows the user to change some high-level parameters of the building design and then controls the assembly hierarchy to produce a full-scale, three-dimensional model of the building, complete with drawings, specifications cost estimation, and schedule (col. 13, lines 34-50; FIG. 1-1a).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Adams et al. to include the feature of Wakelam et al. in order to provide the user to use what-if scenarios to get a variety of estimates.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Freda A. Nelson whose telephone number is (571) 272-7076. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FAN 1/7/07

JOHN W. HAYES
SUPERVISORY PATENT EXAMINER